

Docket No.: CHIR-004

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IT
16

TRADE application of:
Sergio Abrignani

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Serial No.: 09/520,248

Group Art Unit: 1644

Filed: March 7, 2000

Examiner: Ronald B. Schwadron

For: T CELL ACTIVATION

No I, Doreen Yatko Trujillo, Registration No. 35,719
Certify that this correspondence is being deposited with
the U.S. Postal Service as First Class mail in an
envelope addressed to the Assistant Commissioner for
Patents, Washington, D.C. 20231.

On August 1, 2002

Doreen Yatko Trujillo
Doreen Yatko Trujillo Registration: 35,719

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

TECH CENTER 1600/2900

AUG 15 2002

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COMMUNICATION

The Examiner's dismissal of Applicant's appeal is premature and the alleged abandonment of the application is in error. Applicant's Notice of Appeal was filed on October 23, 2001. The Office date of receipt of the notice is January 2, 2001 (See attached copy of postcard showing the PTO receipt stamp dated January 2, 2002). 37 CFR 1.192(a) provides that appellant has 2 months from the date of the notice of appeal to file an appeal brief. That two-month period, however, is measured from the date the Office receives the notice of appeal. See M.P.E.P. Section 1206 ("The Office date of receipt of the notice of appeal (and not the date indicated on any Certificate of Mailing under 37 CFR 1.8) is the date from which this two month period is measured.") As the Office received the notice of appeal on January 2, 2002, the two-month response period extended to March 2, 2002. That date may be further extended by five months with a

petition and a fee. See M.P.E.P. Section 1206 and 37 CFR 1.136(a) and (b). Consequently, the dismissal of Applicant's appeal is premature as the Applicant has until August 2, 2002 to file responsive documents with a petition and fee, and the alleged abandonment of the application is in error.

Respectfully submitted,

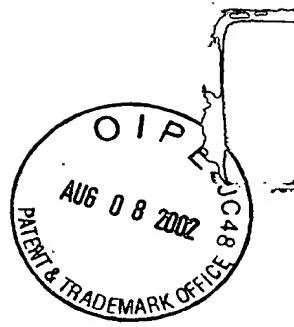


Doreen Yatko Trujillo
Registration No. 35,719

Date: *August 1, 2002*

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Paper: Notice of Appeal From the Primary Examiner to the Board of Appeals with First Class Mail certification (in duplicate); Check in the amount of \$850.00 for filing fee; return card

Applicant(s): Sergio Abgrignani
Title: T CELL ACTIVATION
Serial No.: 09/520,248
Filed: March 7, 2000
Docket No.: CHIR-0234
Date Sent: October 23, 2001



DYT\TDS\K. Rogers

